



Department of Pesticide Regulation



Paul E. Helliker
Director

Gray Davis
Governor
Winston H. Hickox
Secretary, California
Environmental
Protection Agency

January 30, 2002

Mr. Bruce A. Houtman
Global Regulatory Manager
Dow AgroSciences
9330 Zionsville Road
Indianapolis, Indiana 46268-1054

Mr. Bryan Stuart
Government Relations Manager
Dow AgroSciences
2270 Douglas Boulevard, Suite 212
Roseville, California 95661-3869

Dear Mr. Houtman and Mr. Stuart:

The Department of Pesticide Regulation (DPR) agrees to allow Dow AgroSciences to implement a refined program to manage lifetime exposures to 1,3-Dichloropropene (1,3-D), as proposed in your January 24, 2002, letter. The refined approach will use a limited retrospective-averaging approach to maintain the existing 90,250 pound/year limit as a long-term requirement, but allowing variations from this level on an annual basis during the next few years, which are a transitional period for fumigant users. Specifically, your approach would allow up to 180,500 pounds of 1,3-D to be used in any township in California during 2002, with certain notification and quality assurance thresholds to be invoked once usage exceeds the long-term annual average requirement.

We agree that the 1,3-D use that will be allowed in the transitional period is consistent with the regulatory framework originally used by DPR for product reintroduction. Implementation of this refined approach can begin February 1, 2002. We plan to continue our joint efforts to pursue additional opportunities for site-specific modifications of the 1,3-D use limitations, subject to our approval. In agreeing to allow the refinement to the existing agreement, we do not expect a large number of townships to exceed the current allocation or result in historic uses.

We will be communicating with you shortly to formalize this agreement via conditions to the ongoing registration for pesticidal uses of 1,3-D in California. In the meantime, we are quite anxious to receive the results of the current exposure modeling exercise being conducted by your organization, to confirm that ongoing usage of 1,3-D is not causing unacceptable risks. This

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approval of your proposed approach for managing lifetime exposures to 1,3-D is conditioned upon demonstration by Dow AgroSciences that both chronic and acute exposures to 1,3-D at the increased level do not cause unacceptable risks.

Throughout the course of 2002, we will continue to engage in a dialogue with you over technical merits of this refined approach. We also would like to revisit the refined approach at the end of the 2002 season to evaluate its implications.

Sincerely,

ORIGINAL SIGNED BY

Paul E. Helliker
Director
(916) 445-4000